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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,626	04/25/2005	Friedrich Boecking	R.304052	6792
<div>2119 7590 01/08/2007</div> <div>RONALD E. GREIGG</div> <div>GREIGG & GREIGG P.L.L.C.</div> <div>1423 POWHATAN STREET, UNIT ONE</div> <div>ALEXANDRIA, VA 22314</div>				
			<div>EXAMINER</div> <div>MCGRAW, TREVOR EDWIN</div>	
			<div>ART UNIT</div> <div>3752</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>01/08/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/532,626	Applicant(s) BOECKING, FRIEDRICH	
	Examiner Trevor McGraw	Art Unit 3752	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

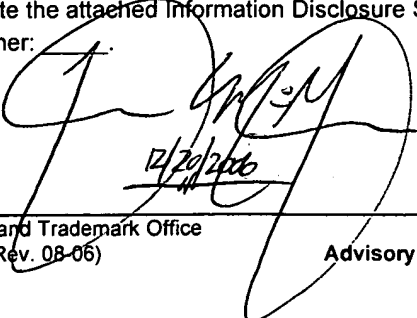
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 8-19, 25 and 26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


12/20/2006

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Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 11/28/2006 have been fully considered but they are not persuasive. Applicant's assertion that there is no communication between the control chamber (58) and the valve chamber (78) via the second outlet conduit (74) is not true. Examiner brings to Applicant's attention that the control chamber (58) communicates with the valve chamber (78) via a communing flow path where fuel can pass from the control chamber (58) through the first inlet throttle (60) and the second outlet conduit (74) through throttle (86) and vice versa. Examiner notes that there is a flow path where fuel does communicate between the valve chamber (78) and the control chamber (58) and further asserts that the Stoecklein et al. reference does teach an outlet conduit (66") being located between the control valve and the low pressure side and that during the fuel injection process an imparted reactionary force is transmitted from the control chamber to the low pressure side through the valve chamber where communication or open path of flow exists between the control chamber and valve chamber through throttles and an outlet conduit. Applicant is directed to column 4 line 35 through column 6 line 67 of Stocklein et al. which clearly shows the communication of the valve chamber and the control chamber during the fuel injection process and how fuel can flow out of the control chamber (column 6 line 30-33).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Stoecklein et al. the bypass conduit 74 is not a outlet conduit for the control chamber 58) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Examiner views Applicant's limitation "communication", "communicating" and derivations thereof to be capable of being open to one another. Examiner makes of note that none of the conduit, throttles and chambers are exclusively communicating directly with each other in any of the positions of Applicant's control valve actuator. Examiner further makes note that if a dye indicator or fuel additive was put into the fuel system, the dye indicator or fuel additive would be present in each part of the Stocklein et al. reference meaning that the dye indicator or fuel additive would be able to flow through the fuel injector control chamber, all conduits, throttles and other corresponding gaps, appertures and openings that permit a fluid path for fuel to flow into under a fuel injection process where high pressure fuel is introduced into a fuel injector on a high pressure side and flows either out of the injection openings into a combustion chamber or is retained in the injector body to flow back to a low pressure side when an actuator that induces an injection process is seated on a valve seat in at least a third position. Thus proving that communication exists between all fuel injector components of the Stockelin et al. reference. For these reasons, Examiner has maintained the rejection held against the Claims as described in the Office Action mailed 09/25/2006.

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12/29/06